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ABSTRACT

This document provides information on two pieces of legislation which affect children and adolescents in Canada. The introduction to "A Guide to the Young Offenders Act in Alberta" briefly reviews the development of the Young Offenders Act and examines the definition of a young person, offenses covered by the act, and amendments to the act. The general approach of the act is outlined and a chart is included which shows the processes and alternatives of the justice system with respect to young persons alleged to have committed an offense. The remainder of the guide describes in greater detail the stages and steps a young person will go through as a result of the implementation of the Young Offenders Act. Included are sections on the role of the police, the right to counsel, youth court proceedings, dispositions, probation, custody, assessment and treatment, appeals and reviews, and completion. Information on Alberta's Child Welfare Act is organized into separate brochures. The first provides general information and highlights key points of the province's new Child Welfare Act. Other brochures provide information for educators, parents, and students, giving specific details for each of these groups about how suspected cases of child abuse or neglect are handled. A brochure listing resources related to both pieces of legislation is included. (NB)

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Information
On

The Child Welfare Act (Alberta)
&
The Young Offenders Act (Canada)

for educators, parents and students

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A Guide To The YOUNG OFFENDERS ACT In Alberta

A GUIDE TO THE YOUNG OFFENDERS ACT IN ALBERTA

Produced By:	The John Howard Society of Alberta September, 1985 (First Edition) January, 1987 (Second Edition) (Including September 1986 Amendments)
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We thank the Justice Institute of B.C., the Peoples Law School, B.C. Legal Services Society, Solicitor General Canada and the B.C. Ministry of Attorney General for allowing us to make generous use of their excellent publication **A Guide To The Young Offenders Act In B.C.**

We are also grateful for the assistance provided by staff of the Alberta Solicitor General, and the Legal Resource Centre of Edmonton.

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Introduction

federal statutes: laws of the Government of Canada.

young person: from 12 to 17 years (inclusive).

"the Act": the Young Offenders Act.

The Youth Justice System (Process): the various institutions and judicial proceedings confronted by young persons when they come in contact with the law.

INTRODUCTION

Effective April 2, 1984, the Youth Justice System changed. A new law, the YOUNG OFFENDERS ACT, has been proclaimed by the federal government to deal with young persons who come in conflict with the law. The new law outlines how young persons will be dealt with by police and the court system, and how they can be dealt with if they are found guilty of committing offences against federal statutes. The Young Offenders Act replaces the Juvenile Delinquents Act which was passed in 1908.

Definition of Young Person

The new Act defines a young person as one who is 12 years of age or more, but under 18 years.

Prior to the Young Offenders Act, any child of 7 years or more could be charged with the offence of delinquency. Thus, the new act raises the minimum age of criminal responsibility from 7 to 12 years. Therefore, an 11 year old who appears to have committed an offence cannot be prosecuted under the Young Offenders Act. However, under provincial law, police will be allowed to return such children to their parents, lawful guardians, or if there is evidence the child is neglected, to a Social Services facility or worker.

Effective April 1, 1985, the maximum age limit regarding the new act became 17 years (inclusive). Previously, each province was allowed to set the maximum age and consequently some provinces had a maximum age of 17 years, while others such as Alberta, had 15 as the maximum inclusive age.

Offences Covered

The Juvenile Delinquents Act established only one offence for juveniles, that of being delinquent. Juveniles were held to be delinquent if found guilty of breaking any federal or provincial statute, municipal by-law or committing sexual immorality or similar forms of vice.

Unlike the Juvenile Delinquents Act, the Young Offenders Act includes only specific serious offences as defined by federal statutes and regulations. To deal with less serious offences defined by provincial statutes and municipal by-laws (such as truancy, drinking under age or careless driving), a new provincial act has been passed, the Alberta Young Offenders Act. This booklet is concerned only with the Federal Young Offenders Act.

Amendment

Amendments to the Federal Young Offenders Act were proclaimed into law in September 1986 and have been included in the Second Edition of this Guide.

Approach of the Act

The Act sets out its approach in a "Declaration of Principle" which states:

- that young persons will bear responsibility for their actions when they break the law;
- that young persons should not be held accountable in exactly the same manner as adults;
- that the public should be protected from such offences, while recognizing that young persons have special needs and require assistance;
- that there is an emphasis on the principle of minimal intervention;
- that where it is not inconsistent with the protection of society, measures other than formal judicial proceedings should be used;
- that young persons should have special rights and guarantees to protect their rights and freedoms taking into consideration their particular needs and circumstances.

The Youth Justice System

The chart on the following page shows the processes and alternatives of the justice system with respect to young persons alleged to have committed an offence. The young person will go through three major steps, but he or she may be diverted from the system at any one of these steps.

Following the chart, the remainder of the booklet will describe in greater detail the stages and steps a young person will go through as a result of the implementation of the Young Offenders Act.

Young Offender Case Process Diagram

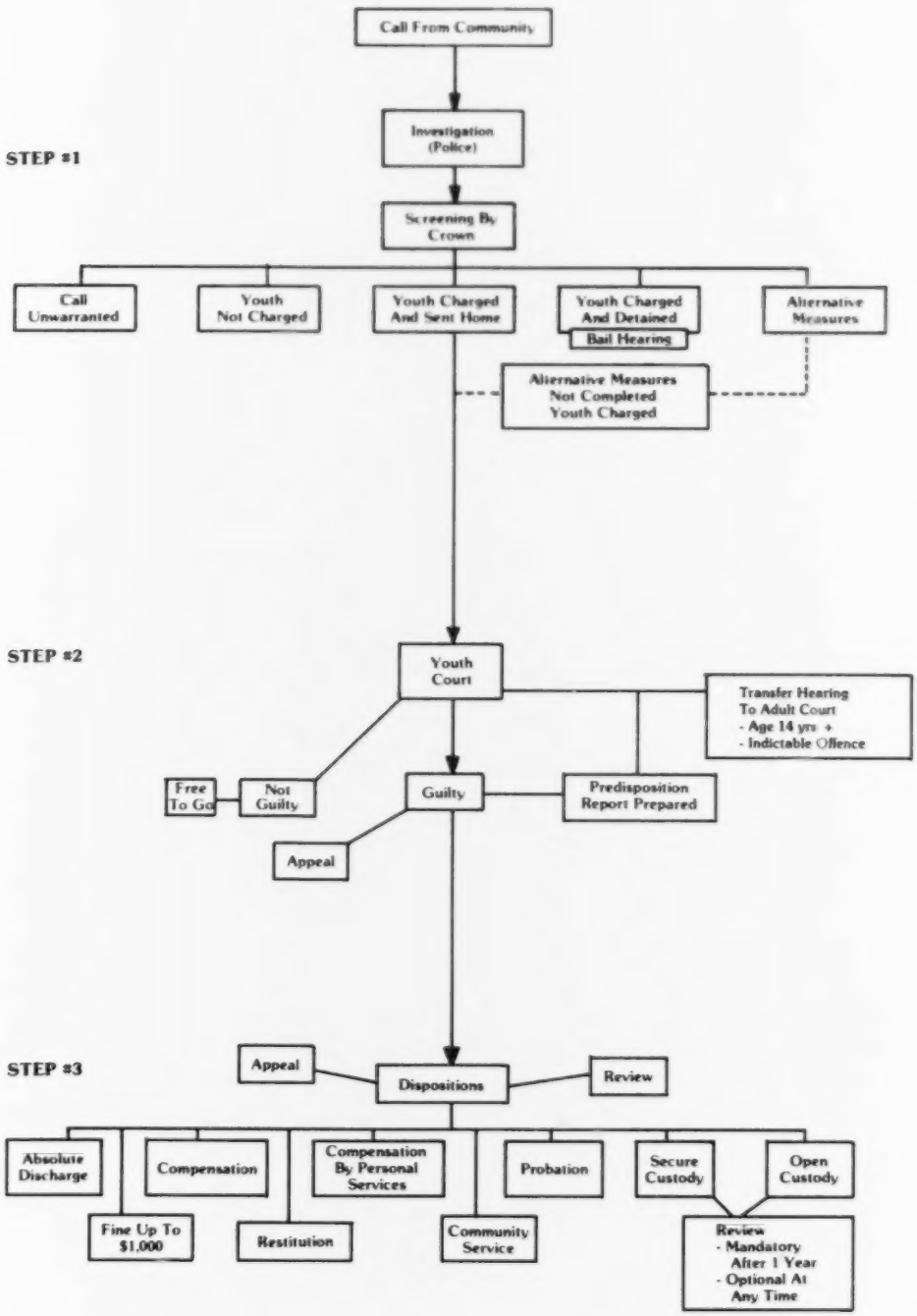


Diagram based on Young Offender Case Process Diagram, Copyright Legal Resource Centre, Faculty of Extension, University of Alberta, 1984.

Role Of The Police

informal action: giving guidance or a warning

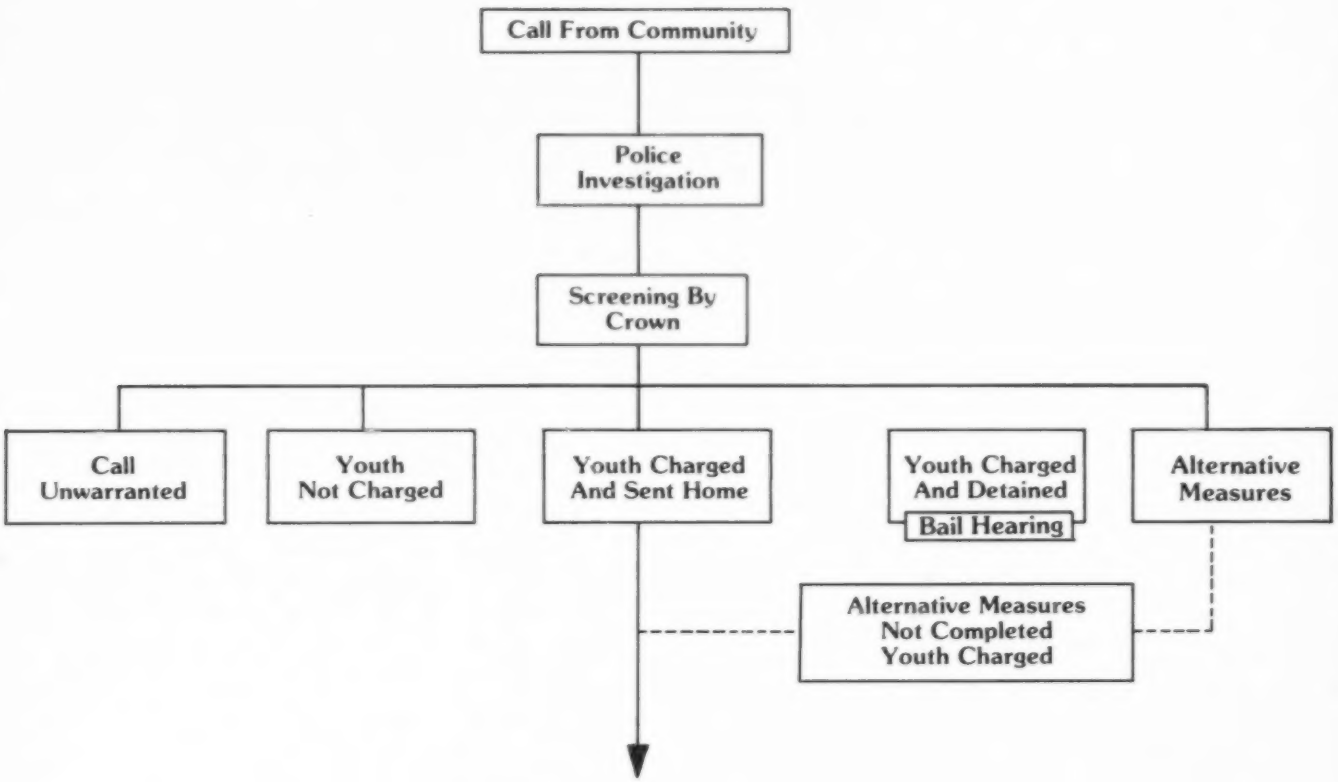
formal action: charging, and/or arresting the young person.

nonsanctioned: not authorized or enforced.

custody: detained and under supervision (as in jail).

disposition: the decision of the court (the sentence).

STEP #1


Call From Community
Police Investigation
Screening By Crown
Call Unwarranted
Youth Not Charged
Youth Charged And Sent Home
Youth Charged And Detained
Bail Hearing
Alternative Measures
Alternative Measures Not Completed Youth Charged

ROLE OF POLICE

The police may initiate contact with young persons if they have reasonable grounds to believe the young persons have, or are about to, commit an offence. This is the first point of contact with the youth justice system.

The police have a number of options as to how they can proceed. They have the choice between taking formal or informal action. This choice is referred to as police discretion.

Informal Action

If police officers choose informal action they may, for example, warn young persons of the consequences of their actions and speak with their parents. As well, the police may make informal referrals to any program or community resource as long as it is nonsanction oriented. With this informal route, there would be no further action take by the justice system.

Formal Action

Police officers may either:

- proceed by arrest, in which case the young person is taken to the police station;

OR

- initiate a summons or appearance notice, in which case a young person would not be held any longer but would be required to appear in court at a later date. Parents or guardians must be notified of the court appearance; failure to notify does not void the proceedings however, as it did under the Juvenile Delinquents Act.

After deciding on formal action, the police are required to immediately notify young persons of their rights. In other words, the officer who arrests the young person must make sure the young person understands that he/she has the right to not make a statement. And that he/she has the right to consult with a lawyer or another adult before making a statement. Also, the police officer must tell the young person that if he/she does decide to make a statement, it could be used as evidence in the courtroom. Under Section 56 of the Act, a statement made by the young person to the police can only be used as evidence if it was voluntarily made.

The police must notify the parents if a young person is going to be held for a substantial period of time or detained in custody awaiting trial.

The police would then take the young person to the police station, where he or she may be asked to make a statement. A youth must be given reasonable time and opportunity to consult with a lawyer, parent or other selected adult prior to the statement. If young persons wish to waive their right to such consultation, they must do so in writing.

If the illegal act was or could be an indictable (serious) offence, the alleged offender can be fingerprinted and/or photographed. These will be included in the file and used in court as evidence. Any photographs or fingerprint records must be destroyed if the individual is acquitted, the charge is dismissed or no further proceedings are taken. The fingerprints and photographs of young offenders who are convicted may be kept with the records.

If a young person is temporarily restrained (held by the police) during an investigation and if the police decide to proceed by way of charge, they must then decide whether to detain or release the young person.

- **Detain:** Young persons may only be detained if the police believe they present a danger to themselves or to the community, or if the police consider that they may not appear for further processing (eg., court). If detained, young persons must be brought to court for a hearing within 24 hours, or as soon as possible.

If detained, young persons are to be detained apart from adults, with two exceptions:

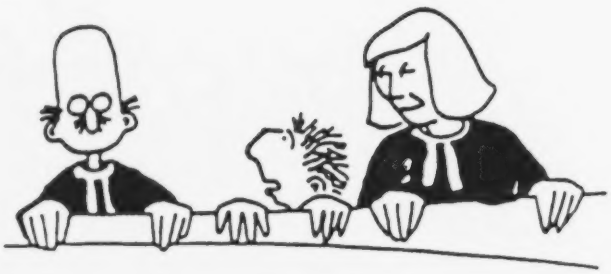
- where the young person might be in physical danger as a result of detention with other young persons. This exception also encompasses the danger which the young person may present to other inmates or staff; a repeat offender aged 16 may be a serious threat to younger and less experienced youth;
- where no place of detention for a young person is available within a reasonable distance. The court is allowed to balance the ill effects of detention with adults against the benefits of family and local community support, which may be sacrificed if the young person is detained in a distant facility for young persons.
- **Release:** If young persons are to be released, the police either have them sign a statement promising to appear in court on a certain date, or cause a summons to be issued.

If the police decide on formal proceedings, an information is sworn and a charge laid and thereafter Crown Counsel takes charge of the case.

At this point in the judicial process, the role of the police has ended. Once the young person enters the youth justice system, the police involvement, other than as witnesses at the youth court trial, is complete. However, there are three occasions when police may become involved after disposition of the young person's case:

- executing warrants for the arrest of a young person; for example, where the young person has breached his or her probation and a review disposition is ordered;
- an arrest of a young person who is temporarily released from custody; also,
- the police can charge anyone who interferes with a young person's disposition.

Right To Counsel



Indictable Offence: serious offence.

Summary Offence: less serious offence.

Counsel: lawyer or advisor.

Crown Counsel: prosecutor.

Screening: a decision making process whereby Crown Counsel determines how the case against the young person will be handled.

Alternative Measures: Instead of laying a charge against the young person, Crown counsel may divert the young person into a program that may keep him/her out of the court system and prevent the development of a criminal record.

RIGHT TO COUNSEL

For the first time, under the Young Offenders Act, young persons are given full rights to legal representation. The Act guarantees access to legal counsel at all stages of proceedings.

Every young person who is arrested or detained will be advised by the police of his or her right to be represented by counsel and will be given an opportunity to obtain counsel, including the point at which a decision is made about whether to participate in an Alternative Measures program.

At a hearing, trial, review of disposition or transfer to adult court, if young persons wish counsel but are unable to obtain a lawyer through parents or legal aid, then the court will order that counsel be provided.

Furthermore, if it appears to the judge that the interests of the young person and his/her parents are in conflict, "...the judge or justice shall ensure that the young person is represented by counsel independent of his parents." (Section 11 (8) of Act).

ROLE OF CROWN COUNSEL

Crown Counsel (the prosecutor) is responsible for determining what action should be taken with regard to the young offender in cooperation with the other components of the youth justice system. If the police have decided to proceed against a young person, they send a report to Crown Counsel describing the situation.

The Crown Counsel is required to screen the case to ensure that there is a valid and prosecutable case against the young person. If there is not, no further action is taken, the young person is free to go.

If there is a valid and prosecutable case, Crown Counsel has several options:

No Further Action

In some situations, Crown Counsel may decide that no further action need be taken even though there is sufficient evidence to proceed. This would only be done under special circumstances.

Alternative Measures (Diversion)

The Crown Counsel, on the recommendation of the police, may decide not to take any formal judicial proceedings, but may decide to refer the young person to an alternative measures (diversion) program. Alternative Measures may be used to deal with the young person if:

- there is sufficient evidence to proceed with the prosecution;
- the young person has, before consenting to participate, been advised of his or her right to counsel;
- the Crown Counsel is satisfied that these measures would be apropriate;
- the prosecution is not in any way barred at law (i.e., that the time limit for prosecution has not expired and the person has not previously appeared in youth court);

– the young person voluntarily agrees to participate and accepts responsibility for the offence.

While determining whether or not to refer a young person to an alternative measures program, Crown Counsel must always consider both the needs of the young person and the interest of society. Also, an agreement must be reached between the young person and the Solicitor General's Department; the young person must accept responsibility for the offence. Furthermore, the youth must not have previously been involved in an alternative measures program.

If Crown Counsel decides to opt for an alternative measures program and the above requirements have been met, the young person will be referred to the Department of the Solicitor General of Alberta, which acts as the program referral agent.

The Solicitor General will also have certain guidelines to follow before placing an offender in an alternative measures program. The young person must freely consent to the program and if he refuses to participate, the case will be returned to the Crown Counsel, and then proceed to Youth Court.

However, if the young person does consent, the Solicitor General will refer the offender to an alternative measures program, operated by itself or by a community agency.

Alternative measures may involve an apology, community service, compensation or restitution to the victim(s), involvement in a counselling program, or any combination.

Community agencies can play an important part in assisting young persons by administering an alternative measures program.

Two agencies providing alternative measures programs are the John Howard Society of Alberta and Native Counselling Services of Alberta. The focus of these two particular agencies is on the process of mediation. That is, an attempt is made to bring both the victim and the offender together, along with the participation of volunteers acting as mediators in order to come to some type of contractual agreement. What will inevitably occur through this process is that the young person will effectively assume ownership of the offence rather than being a passive recipient of punishment.

Alternative measures agreements will be considered by Crown Counsel for a number of offences such as:

- break and entry under $1,000.00 (if not a private home);
- theft under $1,000.00;
- possession of stolen property under $1,000.00;
- mischief and vandalism under $1,000.00;
- causing a disturbance;
- joyriding;
- simple possession of cannabis and its products.

It is not intended that the consequences under alternative measures be more onerous than if the young person went to court. The time period of an alternative measures program will not exceed three months. All records of alternative measures held in the R.C.M.P. Central Repository are to be destroyed and any other records are not to be disclosed two years after the young person consents to participate in the alternative measures program.

Court Proceedings

If the Crown Counsel decides that alternative measures or taking no action are not appropriate responses under the circumstances, a charge will be laid and the matter dealt with in court.

Transfer to Ordinary (Adult) Court

Depending on the nature and seriousness of the alleged offence, the Crown Counsel may decide to apply for a transfer to ordinary (adult) court. Transfers to adult court are only possible if the young person is 14 years of age or older. In these situations, there is a statutory requirement for a written predisposition report, and an absolute right to counsel. This option is only used where the offence is serious and in circumstances where it is felt that the transfer is in the interest of society, having regard to the needs of the young person. The young person himself may apply for a transfer to Adult Court.

The transfer can be reviewed by a higher court if applied for within 30 days of the decision. (The prosecutor or the young person may wish to have the decision reviewed.)

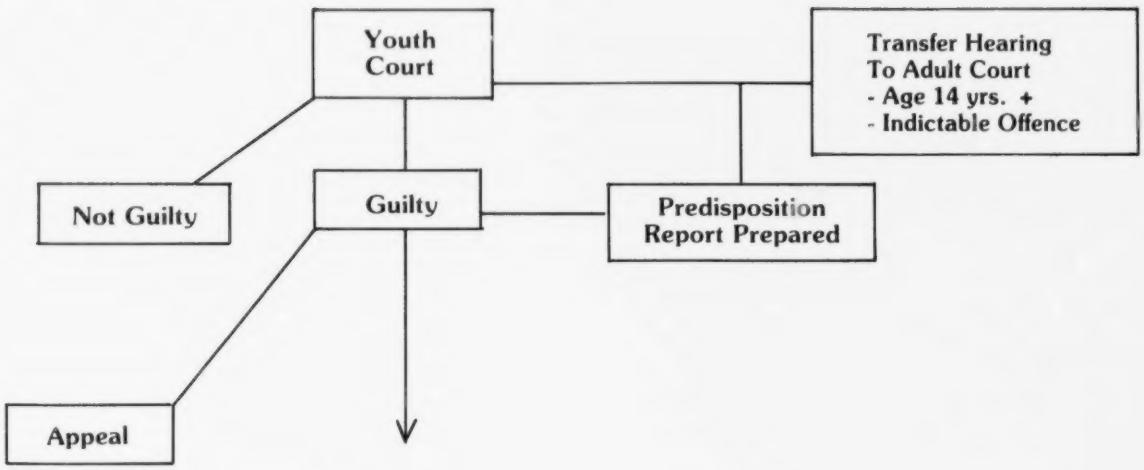
Youth Court Proceedings

Temporary detention: held in custody until the trial.

Predisposition report: a report on the young person's background that will help the judge decide on the disposition (sentence).

Justice of the Peace: a minor judicial officer who has the power to make a decision regarding the release or detention of a young person, and to hear other pre-trial matters.

STEP #2


Youth Court
Transfer Hearing To Adult Court
- Age 14 yrs. +
- Indictable Offence
Not Guilty
Guilty
Predisposition Report Prepared
Appeal

YOUTH COURT

Under the Young Offenders Act cases will be heard in Youth Court. In Youth Court:

- the young person has an absolute right to legal representation. This means that if the young person is unable to obtain counsel through parents or legal aid, then the court will provide such. In Alberta this will be done by the Legal Aid Society of Alberta;

- the trial, in most cases, will be open to the public and members of the news media. It will not be possible to publish or broadcast any information which reveals the identity of any young person involved in the trial;

- the young person's parents must be notified of all proceedings and are encouraged, or may be required, to attend.

Where a parent has not attended court proceedings, the judge may, by order in writing, require the parent to attend at any stage of proceedings.

First Appearance

At the first appearance in youth court, the judge will have the charge read to the young person and inform the young person of his or her right to be represented by legal counsel. Before accepting a plea of "guilty" or "not guilty", the judge must be sure that the young person understands the charge. If the court is not satisfied that the young person understands the charge, the court will direct that a "not guilty" plea be entered.

If a "guilty" plea is entered and the youth court judge is satisfied that the facts support the charge, a conviction is entered and a disposition (sentence) may be given right away; or there may be an adjournment so that a predisposition report can be prepared by a probation officer. (A predisposition report is always required before a sentence involving custody).

On the other hand, if a "not-guilty" plea is entered, there will generally be an adjournment and a date for a trial will be set.

Released or Detained Awaiting Trial

Where the young person has been detained in custody after an arrest, the first appearance will also, in most cases, be concerned with the granting of bail or the continued detention of the young person until trial and sentencing. A young person arrested and detained in custody must be brought before the court (or a justice of the peace) for bail hearing, without unreasonable delay and, wherever possible, within 24 hours.

If Crown counsel believes that detention is justified, a "show cause" hearing must be set where the Crown Counsel must establish that:

- detention is necessary to ensure the young person's attendance in court, or

- detention is necessary in the public interest for the protection or safety of the public.

These restrictive criteria mean that young persons cannot be detained for their own protection or "best interest", or for "a shock", or simply because they lack residence.

If the judge has some doubts that the youth would show up for a court hearing, the judge could require that the youth put up money or other form of surety to guarantee his or her return. Other conditions of bail could also be set; for example, that the young person be home by a certain time every night while awaiting trial, or report to a probation officer.

In more serious cases, or if the judge believes the young person would not appear at a trial or might commit another offence, the judge could decide to keep the youth in temporary detention. This means that the young person would be sent to a detention centre for youths, where there would be constant supervision. If the judge is satisfied that safety considerations are a concern or if the distance to a detention centre for youths is unreasonably great, a young person can be held in an adult facility awaiting the next court appearance.

Since the Act encourages the judge to re-unite young persons with their families unless there are good reasons for not doing so; and, since the Act recognizes the right of the young person to the least possible interference with his/her freedom; the judge may allow the young person to be placed in the care of a "responsible person". This option may be used instead of detention in custody. The young person and the responsible person must agree in writing to such an arrangement and the judge or a justice of the peace may make an order discontinuing the arrangement upon application in writing by the responsible person, the young person or any other person. A responsible person who fails to fulfill his/her obligations may be charged with a summary offence.

The Act leaves it up to the province to designate facilities for temporary detention. Currently in Alberta, the Youth Detention Centers in Edmonton and Calgary, and the Youth Assessment Centers in Fort McMurray, Lac La Biche, Grande Prairie, High Prairie, Red Deer, Lethbridge and Medicine Hat, have been designated as places of temporary detention.

Young persons can also be detained for medical or psychological examinations to determine their fitness to stand trial. If a young person is to be held in a place of custody for the purposes of such an examination, it must not take longer than 8 days; or if more time is asked for by a qualified examiner, no more than 30 days.

Trial

At the trial, the Crown Counsel and counsel representing the young person (if the young person has counsel) present their cases and may call witnesses.

The judge must then make a decision based on what has been heard.

If the young person is found not guilty, he or she will be acquitted, and that is the end of the case. Any records will be deemed to have been destroyed after a specified time period. (see page 33)

If the judge finds the young person guilty, the judge may request a probation officer to prepare a pre-disposition report. Under some circumstances, such as the possibility of a sentence involving custody, a written pre-disposition report **must** be ordered. However, a pre-disposition report may be dispensed with if the young person, Crown Counsel and the judge agree to not having one.

A pre-disposition report is an assessment of the young person's age, behaviour, attitude, previous contact with the law, experience in alternative measures programs, school records and relationships with parents. An appraisal of the programs and facilities available to the court will also be included. The probation officer preparing the report will interview the young person, the parents or guardian, and the victim (where there is an identifiable victim and where an interview is appropriate). Copies of the report must be made available to the young person, the parents, and legal counsel, under most circumstances. A responsible person who fails to fulfill his/her obligations may be charged with a summary offence.

If the judge considers that the young person is suffering from physical or mental illness, the judge can ask for a medical, psychological or psychiatric assessment or, the probation officer preparing the predisposition report, may initiate the request for such an assessment and include it as part of the report.

Dispositions

Disposition: an order (or sentence) given by the judge to the young person.

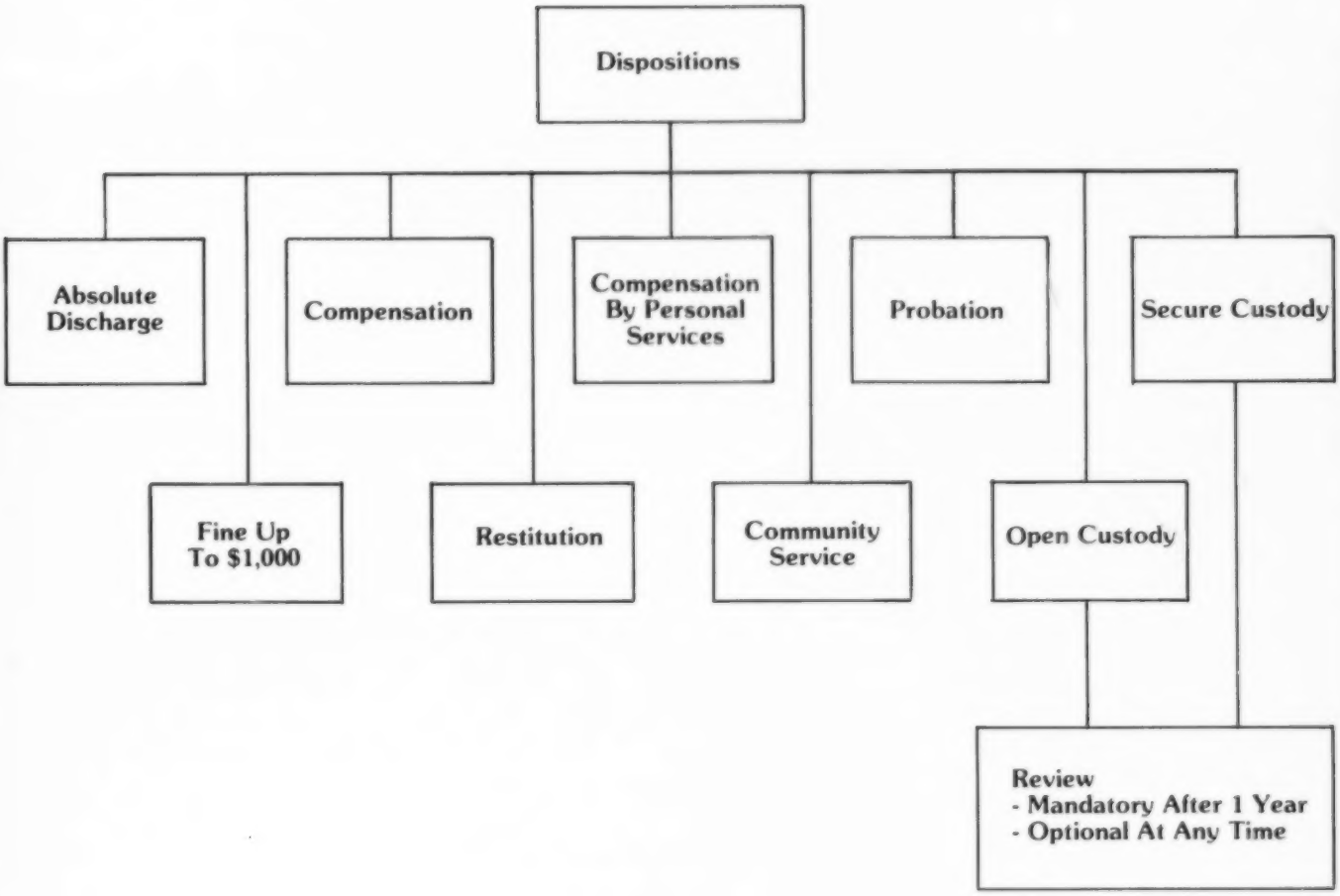
Prohibition: prevention from doing something.

Restitution: a return of the property which was wrongfully taken.

Compensation: to pay for damage caused.

Provincial Director: the person (or office) designated by the provincial government to carry out the dispositions in regard to young persons.

STEP #3


Dispositions
Absolute Discharge
Compensation
Compensation By Personal Services
Probation
Secure Custody
Fine Up To $1,000
Restitution
Community Service
Open Custody
Review
- Mandatory After 1 Year
- Optional At Any Time

DISPOSITION (SENTENCE)

In arriving at a disposition the judge will consider the findings of the predisposition report (if one was prepared) and any representation made by the parties to the offence, or the parents. Other relevant information to consider would include the seriousness of the offence, whether the young person has a previous criminal record, the young person's age, the young person's attitude and any previous involvement in alternative measures programs.

The Young Offenders Act gives the judge a wide range of choices in regard to sentencing. The choices avaliable are:

- an absolute discharge. There are no further consequences for the young person. Note: There is no provision for conditional discharge;
- a fine of up to $1,000 taking into account the young person's ability to pay;
- a payment to the victim of the offence. The young person can also be asked to provide compensation "in kind" to work off the debt to the victim. The victim must consent;
- restitution to any other person of any property obtained;
- compensation to innocent third party. If any property obtained as a result of an offence has been sold to an innocent purchaser the young person can be asked to pay the purchaser;
- a community service order which would require the young offender to perform a specified amount of work for the community not to exceed 240 hours, and to be completed within 12 months;
- order of prohibition, seizure or forfeiture (may be for longer than 2 years);
- treatment order. if a medical or psychological report recommends that a young person undergo treatment, the youth may be detained in a hospital or other appropriate facility where treatment is available. Such orders require the consent of the youth, the parents and the resource providing the treatment;
- probation for up to 2 years (see next section);
- custody. The young person may be held in custody for up to 2 years. Where an adult would be subject to life imprisonment, the youth may be held for up to 3 years; the judge must specify whether such containment is to be open or secure;
- any additional conditions that the judge considers are in the best interests of society or the young offender;
- any combination of the above, so long as the combined duration does not exceed the following maximum:

- if 1 offence is involved, the combined duration cannot exceed 2 years;
- if multiple offences are involved, the combined duration cannot exceed 3 years; and
- if subsequent offences are committed while the young person is already serving a disposition, the combined duration may exceed 3 years.

More detailed descriptions of the circumstances involved in probation and custody are outlined in the next sections.

The Provincial Director

In Alberta, the responsibility for carrying out the sentence or disposition ordered by the court is that of the Correctional Services Division of the Alberta Solicitor General. The Correctional Services Division has appointed a **Provincial Director** to be responsible for the Young Offenders Program. The responsibility for preparing predisposition reports is also that of the Provincial Director. Whether a disposition is to be a custody sentence, a period of probation, or any other order, the Provincial Director, or her/his delegate, is the administrant.

Probation

Probation: a period of time which a young offender is under court ordered supervision regarding his/her behavior.

Probation Officer/Youth Worker: A delegate of the provincial director who supervises young persons who are on probation.

PROBATION

The Young Offenders Act empowers the court to sentence the young offender to a period of probation not to exceed two years. Probation may be combined with a number of other dispositions which are not inconsistent with one another. However, where multiple dispositions are made for **one** offence, the combined duration of the dispositions cannot exceed two years. (The judge or the court staff must make sure the young person understands the probation order).

Two conditions must appear in any probation order:

- that the young person bound by the probation order shall keep the peace and be of good behavior;
- that the young person appear before the youth court when required by the court to do so;

Probation orders **may** also include one or more of the following conditions. That the young person:

- notify the clerk of the youth court of any change of address or any change in his or her place of employment, training or education;
- report to and be under the supervision of a youth probation officer;
- remain within the territorial jurisdiction of one or more courts named in the order;
- make reasonable efforts to obtain and maintain suitable employment;
- attend school or other such place of training as is appropriate;
- reside with a parent or such other adult, as the court considers appropriate, who is willing to provide for the care and maintenance of the young person;
- reside in such place as the provincial director may specify;
- comply with such other reasonable conditions set out in the order as the court considers desirable for securing the good conduct of the young person and preventing the commission by the young person of other offences (e.g., not to drive a motor vehicle, alcohol or drug prohibition, counselling, curfews, etc.).

A young person who wilfully fails or refuses to comply with (breaches) the terms of his or her probation may be charged with a summary offence. If a young person fails to appear before the youth court for a review of his/her probation order, a warrant for arrest may be issued and a young person may be detained in custody awaiting his/her review. If a young person has difficulty in complying with the terms of his or her probation, the young person may apply to the court for a review of the conditions.

Custody

Secure Custody: detaining the young person in a guarded and enclosed facility.

Open Custody: detaining the young person in a facility that is not as heavily supervised (e.g., group home, child care institution, forest or wilderness camp).

Intermittent Custody: a custody order that allows the young person to leave the facility for lengthy periods of time. (At the present time in Alberta there are no facilities providing such).

Incarceration: being placed in a facility of custody.

CUSTODY

There are two types of custody recognized under the Young Offenders Act: "open" and "secure". Each young offender custody facility will be designated by the province as being "open" or "secure". In Alberta, it is likely that existing facilities will continue to be used, but there may be a need for new facilities to be designated for the 16 and 17 year olds who prior to April of 1985, were dealt with in the adult system.

Open Custody

The Act defines open custody as a "community residential centre, group home, child care institution or forest or wilderness camp, or any other like place or facility designated by the Lieutenant Governor-in-Council". In Alberta a combination of privately operated group homes and government institutions (e.g., Strathmore Youth Development Center) are used for open custody.

Secure Custody

Secure custody is defined as "a place or facility designated by the Lieutenant Governor-in-Council . . . for the secure containment or restraint of young persons".

Different eligibility criteria for secure custody are specified for young persons who are 14 years or older and young persons who are less than 14 years. A young person **14 years or older**, must be convicted of an offence for which an adult could receive a 5 year sentence, or an offence involving escape from custody, or for a second serious offence where the first one was an indictable (serious) offence.

A young person **under 14 years of age** can only be sentenced to secure custody if he has committed an offence for which an adult could receive a sentence of life imprisonment, or an offence involving escape from custody, or for a second offence where each offence could result in an adult receiving 5 years.

A custody disposition for any young person cannot be longer than 2 years unless the offence is one for which an adult could be sentenced to life imprisonment, in which case the sentence must not be longer than 3 years.

The court also has the option of sentencing a young person to intermittent (periodic) custody, but before such an order is made, the Crown Counsel must indicate the availability of a place of intermittent custody based on information from the predisposition report. If the report indicates that a place of intermittent custody is not available such an order cannot be made. In Alberta, at present, there are no facilities for intermittent custody.

Temporary Release From Custody

The provincial director (or Correctional Services) can authorize the temporary release from custody of a young person for education or employment reasons (for a maximum of 15 days). Also, the young person can be released (no more than 15 days) for "medical, compassionate or humanitarian reasons".

Custody Transfers - From Secure to Open Custody

Where a youth court has ordered a young person committed to a place of secure custody, the

Correctional Services Division may transfer the young person to a place of open custody but only after review procedures have been conducted. (see page 30)

Custody Transfers - From Open to Secure Custody

If a young person in open custody is guilty of serious misconduct or has escaped or attempted to escape, the provincial director may transfer the young person from open to secure custody but only for a period not to exceed 15 days.

Custody Transfers - To Adult Correctional Facilities

The new Act allows the court to authorize a youth, sentenced to open or secure custody, to be transferred to an adult correctional centre if:

the youth is 18 years old; and

the court considers the transfer to be in the best interests of the young person or the public.

Such a transfer requires formal application to the court by the provincial director. A court hearing must be held; the youth has the right to be heard and to have counsel.

Custody Transfers - Concurrent Adult Custody Sentences

Where a youth is serving a youth custody sentence and, during the course of that sentence, is sentenced to a period of adult imprisonment, the Act permits an administrative decision by Correctional Services Division as to whether the sentence is to be served in a youth custody center or in the adult system.

Transfer to Another Province

Where a non-custodial disposition has been made and the young person moves to a different province, a judge may, on the application of the Attorney General or his agent, or on the application of the young person or parents with the consent of the Attorney General or his agent, transfer the disposition to a youth court in a new province.

As a general rule, custody dispositions are not transferred from one province to another. However, the possibility for such a transfer does exist.

Assessment & Treatment

ASSESSMENT AND TREATMENT

Under the Act, assessments may be ordered at any time during the proceedings to help determine the presence of a wide variety of disorders - physical illness, mental illness, psychological disorder, emotional disturbance, learning disability and, mental retardation. Judges, Crown Counsel, defence, probation officers or parents may request a medical, psychological or psychiatric report.

Following the results of an assessment, prosecution and defence counsel are entitled to cross-examine the person who made the assessment.

If the assessment is made to determine whether or not the young person is fit to stand trial; and if it is in fact determined by the court that he/she is unfit, the judge may commit him/her to treatment. The young person may still be tried following treatment.

If the court determines that the accused is fit for trial but **was** insane at the time of the offence, he/she will be confined to a mental health facility.

If the court (as a disposition) orders the young person to undergo treatment, the consent of the hospital, the young person, and the parents must be obtained.

In addition, it should be noted that there are programs to provide services in relation to alcohol and drug problems. Inquiries should be directed to local AADAC centres or contact can be made through the local health units.

Appeals & Reviews

Appeal: to challenge what the court has decided upon. The charge or the disposition can be appealed by the young person or the prosecutor.

Review: a re-assessment of the status of the young person that may modify his/her disposition, making it more severe or less severe. Reviews can be applied for by the young person, the parent, or the provincial director.

Custodial: of or relating to "custody".

APPEALS AND REVIEWS

The new Act gives young persons the legal right to appeal the decisions of the youth court judge (the Juvenile Delinquents Act did not guarantee this right). If young persons are found guilty but disagree with the finding or disposition, they may appeal to a higher court. The Appeal Court may uphold the decision of the youth court, overturn the finding, or alter the disposition.

It should be pointed out that the prosecutor also has the right to appeal if young persons are found not guilty, or if the prosecutor feels the sentence is not appropriate.

Review of Disposition

The procedures set out for review of dispositions are not appeal procedures but means whereby the youth court can later modify its orders (the sentence) to ensure that they remain appropriate to the changing circumstances of the individual young offender. Application for review can be made by the young person or his parent or the provincial director. However, the court must have grounds for allowing a review to take place.

Grounds for a custodial review are the following:

- the young person has made sufficient progress so that a change in disposition is justified;
- circumstances that led to the young persons committal to custody have changed materially;
- new services are now available;
- "on such other grounds as the youth court considers appropriate".

Automatic and Optional Reviews of Custody Dispositions

The Act allows three possible times for review of custodial dispositions:

1) a review will occur automatically after a youth has been in continuous custody for 12 months;
2) where the youth has been in custody between 6-12 months, application for review may be made, but before the review occurs, the court must establish that there are grounds for review.
3) from 0-6 months application may be made at any time, but before a review will occur, the court must grant leave (permission).

Under (2) and (3) above, the youth has a right to make the application.

Early Release

The new Act provides a means for the provincial director to recommend that a young person be released from custody and be placed on probation, without necessarily having a court hearing. Notice of the recommendation for release is given to the young person, the parents, the Attorney General (or agent) and the youth court. If none of these parties make application for a review of the recommendation, the judge may make the order based on the recommendation.

If the judge does not make the order, the provincial director may seek a court hearing for review.

Review of Non-Custodial dispositions is initiated by the application of a young person, a parent, the Attorney General (or agent), or provincial director to the Youth Court and may be prompted by either positive situations or problems. The application may be made at any time after six months from the date of the disposition or, with leave of a youth court judge, at any earlier time. There are specific grounds in the Act under which such a review would occur:

- "that the circumstances that led to the disposition have changed materially";
- that the young person is having serious difficulty in complying with the disposition;
- the terms of the disposition are preventing the young person from fulfilling education or employment obligations;
- "such other grounds as the youth court considers appropriate".

Progress Reports

Progress reports are mandatory for reviews of custodial dispositions and may be required by the court on review of non-custodial dispositions. (The same procedures are used as for predisposition reports.) A progress report considers "the performance of the young person since the disposition took effect".

Following the review, the court may confirm, vary or terminate the disposition. However, in none of the preceding types of review may the youth court vary the original disposition to increase its severity, except with the consent of the young person or except to extend the time for completion of personal or community services where the young person requires more time to comply with the order.

Failure to Comply

A young person who wilfully fails or refuses to comply with a disposition of the court to pay a fine, make restitution to a victim, compensate by personal service, or comply with the terms of a probation order will be charged with a summary (less serious) offence.

The prosecution must prove "beyond a reasonable doubt" that the young person wilfully failed or refused to comply with the disposition. If the young person has been found guilty of non-compliance, he/she will be charged with a summary offence and may be ordered to serve any of the dispositions outlined on pages 20 and 21 of this booklet with the exception that, if custody is ordered, it must not be longer than 6 months. The court may have the young person postpone his present disposition until the period of custody is completed.

A young person who escapes custody or attempts to escape custody will be charged with an offence under section 133 of the Criminal Code of Canada. Crown Counsel will decide whether to proceed by indictment (serious) or by summary prosecution. If the Crown charges the young person with an indictable offence, he or she could be sentenced to imprisonment for two years.

Completion

COMPLETION

RECORDS

The Young Offenders Act provides specific rules for the keeping, accessing and destruction of records related to federal offences. These apply to police department records (including fingerprints and photographs), youth court records, government and private records.

Under section 41 of the Young Offenders Act, the RCMP are obligated to keep a "central repository" record for all cases involving serious offences. These records contain fingerprints and/or photographs and indicate the type of offence committed. Local police forces input cases into this central repository.

Other police records, court records, and records kept by government departments and organizations can also be kept. These records are to be made available to the young person, counsel to the young person, the prosecution, a parent or adult assisting the young person, the victim of the offence, and other select individuals. The recent amendments to the Young Offenders Act go into great detail as to who, specifically, can be allowed access to the records and for what purposes.

Destruction and Disclosure of Records

The Central Repository records kept by the RCMP for identifying criminals are to be **destroyed** and any other records are **not to be disclosed** after the following time periods and conditions have been met:

- two months after time for appeal has expired for an acquittal for reasons other than insanity or three months after appeal proceedings completed;
- one year after charges have been dismissed or withdrawn;
- two years after the young person consents to participate in an alternative measures program;
- five years after the young person is found guilty of a summary offence;
- five years after the young person has completed the disposition for an indictable offence.

Following the conditions and time periods outlined above the young person is deemed to 'not have committed' the offence for which he/she was charged. Furthermore, anyone who discloses the record of the young person is guilty of an offence. However, a Youth Court judge can order disclosure of records in special circumstances.

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Alberta
EDUCATION

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CHILD WELFARE ACT

This section is intended to highlight key points of the province's new Child Welfare Act. Besides general information, information is given for educators, parents and students — specific details for each of these groups about how suspected cases of child abuse or neglect are handled. Hopefully, this will help teachers, administrators, parents and students to be more aware of how the Child Welfare Act operates, and how the new Act protects the best interests of children.

If you would like more information about the Child Welfare Act, please contact your nearest regional office of Alberta Social Services.

Background to the Act

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Administered by Alberta Social Services, the new Child Welfare Act, which governs the welfare of children and families, became law on July 1, 1985. There are a few basic beliefs which form the foundation of this new Act; beliefs which help clarify relationships between the family, the children and the community.

First is the belief that the family is the basic unit of society, and its well-being should be supported and preserved. But within this unit, children's rights should be noted and protected.

The Child Welfare Act also reflects the belief that the community and its resources should be involved in providing for the welfare of children and families. But even though community resources can be used to such ends, there should be very little intrusion into family life.

Above all, the purpose of the Child Welfare Act is to ensure that children who require protective services get proper help.

KEY HIGHLIGHTS OF THE ACT

When a Child Needs Protective Services

The Act states that a child is in need of protective services when there are reasons to believe that the survival, security or development of the child is endangered. This may occur when the condition or behaviour of the child prevents the parent or guardian from giving the care necessary to meet the child's needs.

But it may also occur under a number of other conditions, such as if the child has been abandoned or lost, or the parent or guardian is dead and the child has no other guardian. A child also needs to be protected when the parent or guardian can't or won't give the child the necessities of life, including medical, surgical or other necessary treatment suggested by a doctor.

Parents are also obliged to protect their children from cruel or unusual punishment, and from serious risk of physical injury, emotional injury and sexual abuse. If the parent can't or won't protect the child from these things, the child may need protective services from the community.

Physical abuse includes cases where there is substantial and observable injury to any part of the child's body as a result of the non-accidental use of force or an agent to the child's body. This is shown by:

- cuts, bruises or welts;
- a fracture or other bone injury;
- a dislocation or sprain;
- hemorrhaging, internal injury, a burn, a scald, or frostbite;

— the loss of consciousness, physiological functioning, or the loss of hair or teeth.

Sexual abuse includes cases where a child is inappropriately exposed or subjected to sexual contact, activity or behaviours. Emotional injury includes cases where the child's mental or emotional actions are substantially harmed and this harm can be shown by a mental or behavioural disorder such as anxiety, depression, withdrawal, aggression or delayed development.

There must be reason to believe the emotional injury is the result of one or a number of factors – rejection, loss of affection or cognitive stimulation, exposure to violence, or severe disharmony at home. A child may also be emotionally injured if he or she is exposed to improper criticism, threats, humiliation, accusations or expectations. It is also necessary to consider the mental or emotional condition of the guardian, and whether anyone living in the same place as the child has a chronic alcohol or drug abuse problem.

The Children's Guardian

Under the new Act, a provincial Children's Guardian has final responsibility for all children placed under a temporary or permanent "guardianship" order of the courts. The Children's Guardian is currently helped by eight regional Children's Guardians, two of whom are Natives, who make decisions on behalf of these children and monitor their cases. In carrying out this role, Children's Guardians maintain close contact with child welfare workers and other agencies in the community.

Regional directors of Social Services are responsible for the custody and/or care of a child. This includes case planning, case management and supervision of the child.

The Children's Guardians and the regional directors have given the day-to-day responsibility for child welfare to the people who give direct services to families and children. Child welfare workers, located in each of the six regions, are usually the first people that would be involved in any cases where children may be at risk or in need of protective care. Parents, students and educators should know that their prime contact in cases relating to the Child Welfare Act will be the child welfare worker.

When Child Welfare Has Been Called

All calls received by Alberta Social Services are first screened to ensure they are appropriate referrals. Once a complaint has been confirmed, a child welfare worker will be assigned to investigate the report. The worker will talk to the child, the child's parents, and anyone else who may be able to give information about the well-being of the child. In some cases, such as the physical or sexual abuse of a child, the worker may involve the police.

From these first steps, the worker will determine if further child welfare action is needed. If more action is required, the worker will develop a case plan and arrange for suitable services to be provided to the child and the family. A case plan is required for every child receiving services from Alberta Social Services.

Under a policy of "least intrusive measures", the department's focus is to help a child in need of care and protection, and disrupt family life as little as possible. The amount of involvement in

the family needed to protect the child depends on the ability and the willingness of the parent or guardian to participate in programs designed to correct a problem. The Child Welfare Act stresses the importance of giving help to the family in the community in which they live.

Clear timelines are required for all steps in the process of protecting the child and helping the family. There must be minimal delays in making decisions to keep negative effects to the family at a minimum.

Under the new Act, services to children and families can be provided through agreements between Alberta Social Services, the parents, and/or the child. There are four examples of such agreements: support agreements with the parent or guardian; support agreements with a child over 16 years of age; custody agreements with the parents or guardian; and custody agreements with a child over 16 years of age.

In the first two examples — support agreements — a written agreement is entered into between the parents or the youth, and Alberta Social Services. This agreement outlines the specific services that will be provided. Such agreements are only entered into when the survival, security or development of the child or the youth can be protected if the child continues to live at home or the youth continues to live independently.

In the second two examples — custody agreements — the custody of the child is voluntarily and temporarily transferred to a director of Social Services. Custody agreements are entered into only when the survival, security or development of the child cannot be adequately protected if he or she remains with the parents or guardian. If the child is old enough to express an opinion, usually 12 years and older, the director must consult with the child before entering into a custody agreement with the child's parents or guardian. Custody agreements are for an initial period of six months and can be renewed for up to two years.

Support agreements with the parent or guardian — In such cases, the child remains at home and receives support from Alberta Social Services.

Support agreements with a child over 16 years of age — When a youth of 16 or 17 years is living out of the home, but cannot safely return home and needs assistance to continue schooling or training, he or she can enter into an agreement with a director of Alberta Social Services. The youth must show enough maturity to live independently and that his or her survival, security or development would be endangered by returning home. This is a voluntary agreement which does not require parental involvement, though parents should be involved whenever possible.

Custody agreements with the parents or guardian — Children under 16 who are receiving services through a custody agreement will be placed in approved foster homes, group homes, or residences operated or approved by Alberta Social Services.

Custody agreement with a child over 16 years of age — When a youth of 16 or 17 years is no longer able to live at home, has moved out of the home, but feels he or she cannot manage alone, the youth can sign a time limited custody agreement with a director of Social Services. The director assumes custody of the child and provides care and services required, such as a foster home, room and board, and schooling. This is a voluntary agreement which does not require parental involvement, though it is always preferable to

involve parents whenever possible.

If Social Services cannot enter into a support or custody agreement with a 16 or 17 year old who is living out of the home and who is in need of protective services, the department may apply to the courts for an apprehension order.

Court Involvement

When a case is referred to court, a number of court orders may result.

The judge may order the child to be returned home, or issue a supervision order. With the latter the child remains at home under the supervision of a child welfare worker who will provide or refer the family for services that will help resolve family problems.

If the judge orders temporary guardianship, the child will be placed outside the parents' home while efforts are made to resolve family problems. In such cases, Alberta Social Services assumes responsibility for making decisions about the child's welfare and shares guardianship duties with the parents.

Finally, a permanent guardianship order may be issued. In these extreme cases, guardianship rights and responsibilities for the child are transferred permanently from the parent to the Children's Guardian. In cases where a child is placed in the permanent care of the Children's Guardian, individuals or families in the community may share the responsibilities for the child with the Children's Guardian. This is called "joint guardianship". Arrangements also can be made for a person to become a private guardian for a child without having to adopt the child.

Changes to Adoption Rights

Under the Child Welfare Act, Alberta Social Services provides services to make child adoption easier. But changes to the new Act give an opportunity for an adopted person to discover biological parents, brothers and sisters.

Upon reaching 18 years of age, an adopted person may apply to the Minister of Social Services for disclosure of his or her biological family. If the biological parents, brothers or sisters have also applied and put their names on the adoption registry, the Minister will disclose the identities of the parties to the applicants.

Both the adopted person and the biological family must want to find each other before disclosure is made. The name of an adopted child who dies before the age of 18 will also be placed on the registry in case the biological family has been seeking that adopted child.

Native Child Welfare Differs

The Child Welfare Act requires that the regional director of Social Services consult with the Chief of a Band on important decisions if the child is Native, a Band member and a reserve resident. If the child is not a resident of the reserve, the Chief may be consulted if the child's parents or guardian agree.

The Act allows the Minister of Social Services to enter into agreements with Native Bands regarding the delivery of child welfare services.

As for all minority groups, the Native child's cultural, religious and social heritage must be taken into account when services are provided under this Act.

EDUCATORS

CHILD WELFARE ACT

Educators have regular contact with children and develop close and positive relationships with them. Because of this, they play a significant role in ensuring that children are protected from harm or abuse.

This section provides information about your legal responsibilities and what you can expect to happen if you report a child who may be in need of help or protective services. You are encouraged to review this material, to discuss it with your principal and other teachers, and to direct any questions to your nearest district office of Alberta Social Services. You also are encouraged to review the list of related resource materials included in this package.

All principals and superintendents should have a copy of a document called Protocol and Guidelines for Child Welfare Workers and School Personnel. You can also refer to this document for more information.

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Legal Responsibilities of Educators

Under the Child Welfare Act anyone "who has reasonable and probable grounds to believe and believes that a child is in need of protective services shall forthwith report the matter to a director" of Alberta Social Services.

Anyone who doesn't report the matter to a director of Social Services "is guilty of an offence and liable to a fine of not more than $2,000 and in default of payment, to imprisonment for a term of not more than 6 months."

Also, the Act provides that any director of Alberta Social Services, who has grounds to believe that a professional – such as a teacher – did not report a child in need of protective services, is obliged to advise the proper governing body of the occupation or profession. Regulations listing the relevant occupations have not, as yet, been formulated.

The law also protects people who report children in need of protective services, as long as this reporting "is not done maliciously or without reasonable and probable grounds for the belief."

Confidentiality provisions in the Act prevent anyone from disclosing the name of the person who has reported a child in need of protective services.

Recognizing a Child in Need of Protective Services

There are a number of physical symptoms or behaviours which, when demonstrated by a child, may indicate abuse or neglect. When considering these symptoms and behaviours, it may be helpful for a teacher to consult with a school guidance counsellor, a community health nurse or a school district psychologist.

You should be concerned about a student who is:

1. Often tardy
2. Very reluctant to attend school
3. Often absent from school
4. Apparently reluctant to go home after school
5. Often inadequately dressed for the season or the weather.

But with these symptoms in mind, you should remember that truancy alone does not demonstrate that a child needs protective services. Truancy is not considered grounds for neglect under the new Act unless it is one of a number of factors showing that the child is in need of protective services. Truancy is covered under the School Act and you should be aware of your school board policy and the School Act provisions regarding truancy.

In addition to truancy-related problems, there are a number of behaviours that may indicate abuse or neglect. You should be aware of students who:

1. Appear to be undernourished
2. Have obvious medical needs that are not receiving attention
3. Have physical injuries such as bruises, welts, cuts or burns and whose explanations appear to be incompatible with the nature or extent of the injury
4. Appear to be unusually afraid to undress at appropriate times, such as for gym class
5. Complain of pain around the genital or mouth and throat area
6. Mention that "it hurts when going to the bathroom"

You should be aware that quite often students who show these symptoms are afraid when asked about their injury or injuries.

Also, when students show patterns of extreme behaviour – whether overly compliant and passive (possibly even appearing to be afraid of physical contact) or aggressive and destructive – you should also consider the possibility of abuse or neglect.

There are other situations that you should watch for, such as students whose drawings of people frequently include disproportionately shaped sexual organs. Also of concern are students who show interest in or preoccupation with sexual acts or sexual language, beyond the scope of interest normally expected for their age.

You should be aware of a student who appears to be extremely afraid of being left alone with certain adults or with adult men or women in general. These students may also try to draw attention to themselves through acting out behaviours such as drug and alcohol abuse or sexual promiscuity.

Parental behavior may also indicate possible abuse. When parents place unrealistic demands to perform on the child, or have a lack of concern for the well-being of the child, you should be concerned. The parent who appears unduly distrustful and suspicious of school personnel, or is aggressive and abusive when approached about concerns regarding his or her child, may also indicate a situation of child abuse or neglect.

If You Suspect a Child is at Risk

If you suspect a child is being neglected or abused at home, there are a number of procedures to follow; the first would be to consult the guidelines that the local school district has set out for such cases. If the school district does not have guidelines in place, approach the principal or superintendent for advice.

School district guidelines quite often suggest that the teacher confidentially inform the principal of any suspicions. Then either the principal or the teacher should contact the nearest district office of Alberta Social Services. When the teacher or the principal makes a report, the student's home address should be provided. This information is used to determine which district office of Alberta Social Services will handle the case.

Everyone involved in the situation — teacher, principal, superintendent — should remember to keep any suspicion of a child at risk strictly confidential.

If there isn't a local office to which to report an incident, you have a number of options. You can call the nearest district office of Alberta Social Services, listed in the phone directory under Government of Alberta. You can also inform the nearest police department, Edmonton's Child Abuse Section at 421-3337 or 423-4567 (after hours), Calgary's Youth Detail at 269-5938, or the 24 hour Child Abuse Hotline by dialing 0 and asking for Zenith 1234.

Don't Interview the Child

You, or anyone else, are discouraged from interviewing the child to confirm or deny suspicions of neglect or abuse. Such action is neither necessary nor recommended. The child's best interest will be served if he or she is talked to by the proper authorities, people trained to handle these types of problems. Since the case may go before family court, proper procedures must be used. Child welfare workers are specially trained in proper procedures, and interviewing is best left up to them.

When A Child At Risk is Reported

After reporting a case, you will probably be asked to talk to a child welfare worker. You should remember to ask for identification before going ahead with any interview with someone claiming to be a child welfare worker.

When being interviewed, you should make every attempt to fully disclose the reasons for suspicions in a factual and value-free manner. It's important to be objective; the information you provide becomes part of the investigation and it is possible, though unlikely, that you may have to appear in court to give direct evidence.

Soon after the interview, write down a factual account of information given to the child welfare worker. This should be kept for future reference.

The teacher most involved with the child may be asked to contribute to the development of any school-related aspects of a case plan for the child and family.

Child welfare workers and police officers investigate and help alleged victims of abuse or neglect. School officials should do everything possible to help. This should be kept in mind when requests are made to talk to students during class time. Arranging a time for access to the student should be done quickly.

Know the difference between the situation of a child in need of protective services and a child being interviewed by a police officer who is investigating an alleged offence by the child. In the latter case, the principal or teacher is acting "in loco parentis" to ensure protection of the child's rights.

When there is reason to believe that an abusive situation exists, resist contacting parents or guardians unless asked to do so by the investigating child welfare worker or the police officer. Social workers or police officers will contact parents of children who may be abused or neglected.

The Report is Confidential

In the vast majority of cases, reports are strictly confidential. Names of people who report cases of neglect or abuse can only be released by the Minister of Social Services. No action will be taken against a person who mistakenly reports a child in need of protective services, unless that report was made maliciously or without reasonable and probable grounds for the belief. Although the new Act provides for a system of open courts, the child welfare worker may ask to have the courtroom cleared while confidential evidence is given. The court is only concerned with the evidence given, not with the identity of the person who reported the matter to child welfare authorities.

The child welfare worker is responsible for calling the school as a followup to advise that the complaint has been investigated. And where it is in the best interest of the child, the worker may also share some of the information related to the investigation.

PARENTS

CHILD WELFARE ACT

The following information is to inform parents about how the school is involved with children who may need protection, and what steps are followed to look into possible cases of children at risk. Parents should remember that the purpose of the Act is to interfere as little as possible with families while ensuring that children are well protected from abuse or neglect.

The Role of the School for Children at Risk

The school's role is to become familiar with the new Child Welfare Act and the issues it raises, and to help students and others understand the Act and the issues of child abuse and neglect. The school must ensure that its staff are aware of their legal responsibility to report any suspected cases of child abuse or neglect, and the school should also help plan and provide services to individual children as required.

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If a teacher suspects a child is being abused or neglected, the teacher is required to inform the principal of the school who then notifies the proper authorities. The teacher does not have to prove that abuse or neglect is actually taking place. This is the role of the child welfare worker assigned to the case. As long as the teacher has "reasonable and probable grounds" for the belief of neglect or abuse, a report must be made to the child welfare authorities. A teacher is under a legal obligation to report any suspicions of a child at risk.

Rules governing confidentiality are clear. The teacher must not discuss his or her suspicions with anyone other than the principal, a community health nurse (where appropriate), a school guidance counsellor or a school district psychologist, the child welfare authorities or the police.

If a Child is Reported

Depending on many factors, a child welfare worker may talk to the child alone. The interests of the child require that the interview be carried out under circumstances which will encourage the child to speak freely and openly to the child welfare worker. In some cases, the non-participating presence of a familiar teacher or the help of a translator, if the child has a hearing impairment or language difficulty, may be needed.

The worker will talk to the parent or guardian and anyone else who may have information about the well-being of the child. In cases where physical abuse is suspected or the child complains of physical discomfort, the worker may examine the child for signs of physical injury. This is not a medical examination, but rather to see if the child has cuts, bruises or other external signs of injury.

Where there are concerns about the physical well-being of the child, the child welfare worker will also ask for the parent's or guardian's approval to have a doctor complete a physical examination. Should the parent not agree to this, the worker may need to take custody of the child so a medical examination can be conducted.

Where the risk to a child's well-being is great, the worker may remove the child from his or her home. There will be a court hearing within 10 days, which the parent or guardian must attend.

If the child does not need to be removed from his or her home, but support services appear to be needed for the family in order to protect the well-being of the child, the worker will arrange for the necessary support services to be provided. These services may include day care, family counselling, homemaking services, child-adult volunteer matching, courses in parenting, family life education, and personal, budget and nutrition counselling services.

If the worker decides that the child is not in need of protective services, there will be no more child welfare involvement.

Rights and Responsibilities of the Parent or Guardian

Parents generally have the right and, more importantly, the responsibility to raise their children in a happy and positive environment with little or no interference from outside government agencies. Unfortunately, in some families, the welfare and general well-being of children is not protected. And in any case where a child may be at risk, government is responsible for looking into the problem to ensure that the child is not in any risk of injury or abuse.

If a complaint is received, the child welfare worker must inform the parents in the first interview of the reason for

the interview, and the parent or guardian also has the right to have the interview carried out in private.

But the parent or guardian does not have the right to know who reported that the child seemed to be in need of protective services. The Child Welfare Act prevents the disclosure of this information.

If a child is taken from the home and not returned within two days, the parent or guardian can serve a demand notice on the child welfare worker which will result in a court hearing one day after the notice is served. If a demand notice is not served, the worker must apply to the court for a supervision order, a temporary or permanent guardianship order, or an order returning the child to the parent or guardian not more than 10 days after the child is apprehended. The worker must also notify the parent or guardian five days in advance of the court date and location. If the child is 12 years of age or over, the child must also be given notice.

The parent or guardian must attend court when a date is set, but has the right to legal counsel or legal aid. During the hearing, the parent or guardian or their lawyer has the right to cross-examine any witness who appears.

After the court hearing, it is the parent's or guardian's right to be told by the worker exactly what the decision of the Court means. Parents have the legal right to appeal a court order, and if the child is ordered returned by the Court, this order must be carried out as soon as possible. If support services are needed, the worker will arrange for these.

If the Court orders supervision of the child, or temporary or permanent guardianship, a copy of the order must be provided to the parent or guardian. The worker will advise on the type of placement, and will discuss how much contact the parent or guardian may have with the child.

Parents or guardians may be asked to pay part of the cost of supporting their child. The amount requested will be based on the family's financial status.

In the case of temporary guardianship, parents have a right to be told of anything significant that happens to their child. And parents or guardians who have children committed to permanent guardianship may, in some cases, be allowed to see their children.

CHILD WELFARE ACT

In Alberta, most children are raised by their families in a happy and positive home. However, there are cases where parents can't provide a good home for their children or where children are in need of help or protection. The Child Welfare Act provides ways in which children can get help when it's needed. Schools and teachers play a big role in knowing when children may need help or protection, and in making contact with people who are able to provide the needed help or protection. This fact sheet outlines the major parts of the Child Welfare Act and describes what happens to children when they need help.

The Role of the School

Because teachers spend a lot of time with students during school time, they get to know them well. Often, they can tell if a student begins to have trouble or starts acting in a strange manner. Sometimes, students talk to their teachers about problems at home.

When a teacher thinks that a student may need help or protection, the teacher must call people at Alberta Social Services. A social worker will then talk to the student and try to find out if the student has problems and how the problems could be solved. Teachers and other people like school counsellors may work with the social worker to plan ways to help the student. The school also helps students and parents understand the Child Welfare Act and the related issues of child abuse and neglect.

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Who the Student Can Talk To

If a student or someone he or she knows needs help or protection, it's important to talk to an adult who can be trusted. This might be a teacher, a school counsellor, a church minister, a priest, or some other person.

Often young people who are being abused or neglected do not want to tell anyone. They keep this a secret for many reasons.

They may feel that no one will believe them or that nothing can be done. Sometimes they feel that they are the only ones to whom this is happening, and they may feel very alone or neglected.

Sometimes they feel responsible for the abuse or neglect, and often these feelings go with feelings of guilt. In many cases, the young people love the adults who are responsible for the abuse or neglect, and the young people want to protect those adults.

Young people sometimes put up with abuse or neglect because they see it as one way of keeping their family together. And often they are afraid to tell someone else because they do not know what will happen next.

The thing to remember is that these feelings are normal. But it is important that young people get the help they need. By talking to an adult they trust, they will start to get help and be protected from more abuse or neglect.

If the Student Reports An Incident

When a young person talks to an adult and asks for help for himself or herself or someone else, the following events will occur.

The adult will listen to the concerns and then contact Alberta Social Services to ask for help. If the adult doesn't believe the young person, he or she should talk to another adult who will help.

A child welfare worker will then talk to the young person about the problems. If the concerns are about someone else, the child welfare worker will speak to that person directly. The young person may ask to have a child welfare worker of the same sex to talk to if that is more comfortable.

If physical abuse has occurred, the child welfare worker may examine the young person for any obvious bruises, welts, burns or other signs of abuse. He or she can ask to have another adult, such as a teacher or nurse, present for this first examination.

If the child welfare worker finds signs of physical abuse or if the young person says there was sexual abuse, a visit to a doctor will be arranged. The doctor will confirm any physical injuries and begin treatment. The parents will be asked to agree to the doctor's examination. If they don't agree and there are signs of abuse, the child welfare worker will make plans for the young person to be looked at by a doctor.

The child welfare worker will also talk to the parents and will explain the kinds of problems that have been reported and what has been learned from talking to the young person. The child welfare worker will try to help the family by understanding its problems. A variety of services such as family counselling, and counselling services for a young person will sometimes be arranged, especially if there has been physical or sexual abuse.

The kinds of services to be provided will be described in a case plan. The child welfare worker will continue to work with the family to make sure that the case plan is carried out and that the family is helped in every way possible.

In most cases, the young person won't need to leave the family. If services can be arranged that will help the family, it is better that the family stay together and work out their problems together.

In some cases, especially if the young person is in danger of more physical or sexual abuse, the child welfare worker will take him or her out of the home while the investigation continues. Depending on the young person's age and needs, he or she would go to live with another family or perhaps to a group home.

If the child welfare worker feels that it is safer for the young person to not live at home, there will be a court hearing. A judge will listen to the child welfare worker's reports, and will also talk to the young person (if he or she is over 12 years of age), and to the parents as well.

The judge will then decide whether the family should stay together (but have regular supervision by a child welfare worker), whether the young person should be placed under temporary guardianship (live in another home for a certain period of time), or be placed under permanent guardianship. In the last case, arrangements would be made to have the young person live somewhere else on a permanent basis.

The Student's Rights and Responsibilities

The steps outlined here are intended to help students in need of protective services. Students should know that they have a number of rights during the process of getting protection from Alberta Social Services.

They have the right:
— to know how the information given to a child welfare worker will be used;
— to have anything they don't understand made clear to them;
— to have any interviews conducted in private or have their parents present;
— to have a child welfare worker of the same sex conduct any interviews;
— to have another adult present when being examined by a child welfare worker for signs of physical abuse (during this kind of examination, the young person won't remove any clothes);
— to know what's happening to them and what will happen in the future to the family;
— to know where they will live and go to school if they won't be living with the family;
— to know what will happen to personal items like clothes, books, and tapes, as well as when and if they can visit friends and family;
— to ask for information about family background if they are 18 and have lived away from home for a long time;
— to ask to see parents or other family members if they are no longer living at home on a permanent basis. Arrangements will be made for them to see their parents as long as there is no risk of such visits being harmful or upsetting. Keeping in touch with brothers and sisters is also encouraged.

THE CHILD WELFARE ACT (ALBERTA)
THE YOUNG OFFENDERS ACT (CANADA)

AUDIO VISUAL RESOURCES

A) Following is a list of agencies who will supply audio visual resources province-wide on the topics of physical abuse, sexual abuse, child neglect, and young offenders.

B) Included is a short description of each individual item, the length, the order or catalogue number, and in some cases a guide to what age group the item is designed or appropriate for. Unless otherwise noted, the materials are films.

C) A listing of the agencies' addresses and telephone numbers concludes the audiovisual section.

D) The following codes are used:
e = elementary
jr = junior
sr = senior high
a = adult

AN – ACCESS Network
FOE – Faculty of Extension
NFB – National Film Board
HSL – John W. Scott Health Sciences Library
CAMS – Central Alberta Media Services
PFL – Provincial Film Library
LRC – The Legal Resources Centre

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The order of the codes that follow the description of each listing are: length in minutes; age category designed for; agency(ies) available from; order number; and, if not a film, type of resource.

Many school jurisdictions have audio visual resources of their own which is always a good place to start to look. Some of the agencies have fees for their service and shipping as well as certain rules. Inquiry should be made about these at each individual agency.

Finally, it must be stressed that the following materials are not endorsed by Alberta Education. Due to the sensitive nature of many of the materials, previewing is strongly recommended.

PHYSICAL ABUSE

1. Who Do You Tell?
Through animation and discussion among children, points out ways of dealing with fire, being lost, child molesters and physical abuse of a friend or mother. 1979
10:54 min, e, AN and NFB, #VC248601, video.

2. Cry Softly
A documentary on the subject of abuse, for use by professionals in training seminars, workshops and community meetings. 1984
30:00 min, a, AN, #VC256901, video.

3. Child Abuse: Cradle of Violence
A positive and non-violent film about the cause of death of more children than any single childhood disease. Deals with the solutions to the frustrations of parenthood that brings about violence against children. Some case histories are discussed. 1976
20:00 min, sr/a, FOE and NFB and PFL, #B3786.

4. Abusive Parents
This film includes excerpts from a panel discussion by four women incarcerated at the California Institute for Women for crimes involving child abuse. Contains interviews with a director of a daycare for abused children and their families.
25:52 min, NFB, #106c 0177 156.

5. Children in Peril
An ABC News documentary that provides a basic understanding of child abuse through interviews with professionals. Although some of the information is dated, this is a good general film on child abuse.
24:10 min, sr/a, NFB and PFL, #106c 0177 084.

6. Child Abuse: The People Next Door
A realistic dramatization of the causes and consequences of child abuse. Mary, a single parent, is overwhelmed by the pressures of coping alone and takes out her frustrations on her elder child. This film looks at the demands of parenting and provides useful information about the resources and support networks that exist in many cities. *Previewing is recommended.*
20:00 min, NFB, #106c 0180 239.

7. Do I Have To Kill My Child
An Australian drama about the need to recognize and treat stress and depression before they lead to child abuse. It is a story of Dianne, and how her isolation and responsibilities drive her to the brink of child abuse. *Previewing is recommended.*
52:00 min, NFB and PFL, #106c 1279 388.

8. Twelve and a Half Cents
A powerful drama reflecting the frightening realities of life in a big city ghetto. It is the story of a desperate mother driven to child-beating by inescapable poverty, fear of her husband, and a disturbed past. A concerned teacher is determined to help.
49:15 min, NFB, #106c 0177 135.

9. An Unexplained Injury
A frank, objective docu-drama about child abuse narrated by Patrick Watson. The film discusses how the laws of Ontario are designed to protect children, and the responsibilities of citizens. *Previewing is recommended.*
31:00 min, NFB, #106c 0180 241.

10. The Pre-School Abused Child
A docudrama: a public health nurse and early childhood educator comment on, and demonstrate through re-enactment, how they foresee, detect and prevent abuse of young children. *Previewing is recommended.*
12:00 min, NFB, #106c 0180 240.

11. Interviewing the Abused Child
In this training film for professionals, a pediatrician, social worker and teacher demonstrate methods of interviewing battered, neglected and sexually abused children. *Previewing is recommended.*
22:00 min, NFB, #106c 0178 960.

12. Child Abuse and Neglect: What the Educator Sees
Depicts physical and behavioural indicators of abuse and neglect that children are likely to display in a school setting. 1975
15:00 min, HSL and PFL, #FT-210, filmstrip-tape.

Children in Crises: Child Abuse and Neglect Series (5 **filmstrip-tapes)**
13. A) A Crippling Disease
Child abuse and neglect includes physical and emotional neglect, sexual abuse, and other conditions which threaten healthy development. Most parents are victims of unbearable pressure and take it out on their children. 1975
7:00 min, HSL and PFL, #FT-202.

14. B) Discipline Versus Abuse
Deals with parent-child bonding in the child's emotional development. Discusses effective discipline to further development. 1975
7:00 min, HSL and PFL, #FT-203.

15. C) Who is the Abuser . . . Who, the Abused?
Abused children, in most cases, have parents who were themselves maltreated. Abusive parents and children are caught in a vicious circle of maltreatment. 1975
7:00 min, HSL and PFL, #FT-204.

16. D) How Can We Tell?
Teachers are one professional group who are in a unique position to detect child neglect and abuse. An understanding of symptoms is the first step to remediation. 1975
8:00 min, HSL and PFL, #FT-205.

17. E) Treatment and Prevention
In the past, children who were found to be abused were separated from their parents. Today, a comprehensive approach to treating child abuse and neglect aims at protecting the human rights of both parent and child. 1975
7:00 min, HSL and PFL, #FT-206.

18. Merry-Go-Round
Presents cases of child abuse. Depicts the battered child syndrome as only one symptom of the maltreatments of children. Demonstrates how parent-child behavior education can reduce problems and frustrations often experienced by parents. 1977
40:00 min, HSL, #D4408.

19. Physical Indicators of Abuse: Signs of Alert
Shows major external and internal physical manifestations of child abuse.
15:00 min, HSL and PFL, #FT-208, filmstrip-tape.

20. Physical Indicators of Abuse: What Behavior Can Tell Us
Looks at child behavior and interactions between children and parents that may indicate abuse.
15:00 min, HSL and PFL, #FT-209, filmstrip-tape.

21. Sometimes It's Okay to Tattle
Children learn that child abuse involves serious and repeated injury rather than normal discipline; that abusers are not bad but need help; that abused children are not responsible; that it's okay to tattle when another child's safety is in jeopardy. Teacher's guide is included. 1983
12:00 min, e, CAMS, #MP 3597.

22. Barb: Breaking the Cycle of Abuse
Shows how abusive parents can be taught to be successful parents, through a case study on a real life situation. 1976
29:00 min, PFL, #PHT 706.

23. A Chain To Be Broken
Deals with individual and community solutions and alternatives to the child abuse problem. 1978
28:00 min, general, PFL, #PHT 773.

24. Cry of Pain
Focuses on child abuse and neglect, and explores how this is one manifestation of a violent society. 1978
15:00 min, PFL, #PHT 791.

25. Fragile: Handle With Care
Depicts the child abuse problem: the battering parent, the results of child abuse, and the help society can offer. (Should be shown in conjunction with *Child Abuse: Cradle of Violence*). 1974
30:00 min, PFL, #PHT 660.

26. Don't Give Up On Me
Shows a mother physically abusing her child. She gets help by participating with a group of parents who have similar problems. 1976
29:00 min, PFL, #PHT 704.

27. The Family and the Law: Now I've Said My ABC's
This describes the legal and social services available to an abused child and her parents. 1979
28:14 min, sr/a, AC, #VC208108, video.

28. Treatment Services-Child Welfare in Alberta. A History: The Child Savers to 1920
Covers the years from early 1900 to 1920 and stresses the child saver movement. Shows how society as a whole gradually realized that children were an important resource. 1982
28:30 min, a, AC, #VC226301, video.

29. Child Welfare in Alberta. A History: Years of Change. 1920-1970
Focuses on the legal changes which occurred to benefit the child, and especially the juvenile. 1982
28:00 min, a, AC, #VC226302, video.

SEXUAL ABUSE

30. Sexual Abuse – The Family
This film provides an overview of intra-family sexual abuse of children: what it is, common myths, physical and behavioural indicators, how to conduct examination and investigation with a minimum of psychological damage to the child, as well as different therapies used in the treatment of victims.
28:25 min, NFB, #106c 1077 157.

31. Incest: The Victim Nobody Believes
Three women candidly discuss their childhood experiences concerning incest and the anguish they endured as they grew older.
20:00 min, jr/sr/a, FOE and PFL, #B3910.

32. Child Sexual Abuse: The Untold Secret
Five teenage girls describe how they were sexually abused by their fathers or stepfathers over a period of years. They offer encouragement to other young people in similar situations to seek available help. *Previewing is strongly recommended.*
29:45 min, NFB, #106c 0182 119 (also available in 1", 3/4", or 1/2" video)

33. Sexual Abuse of Children: A Time for Caring
This film on sexual abuse of children, aimed primarily at elementary school personnel, opens with an interview of two former victims. Later, professionals explain the role of the school in detection and treatment of abuse. It deals clearly with behavioral signs and physical symptoms of abuse. *Previewing is strongly recommended.*
27:00 min, NFB, #106c 0179 390.

34. No More Secrets
In this convincing short drama about intra-family sexual abuse, four eleven year old friends confide in one another about family members who want to touch them. The abuse and ways of handling it are illustrated explicitly, but not alarmingly, by animation. The dialogue stresses the impor-

tance of disclosing and shows how to say no. For children seven and older. *Previewing is strongly recommended.*
13:00 min, NFB, #106c 0182 122.

35. The Best Kept Secret
A forceful disturbing drama about incest. In the middle of an argument with her father, Lisa informs her mother that she has been forced to have sexual relations with her father for six years. Suitable for post-screening discussions among adults and adolescents. *Previewing is strongly recommended.*
10:00 min, NFB, #106c 0182 120.

36. Better Safe Than Sorry II
Youths aged five to nine discuss three simple rules which help prevent or deal with potential sexual abuse. 1983
15:00 min, e, CAMS, #MP 3659.

37. Don't Get Stuck There
A film on adolescent abuse, developed specifically for teenage viewers. Former victims still in their teens, tell how they were physically, emotionally and sexually abused by their parents and how, in desperation, they turned to drugs, alcohol and even attempted suicide before seeking help. Suitable, with appropriate introduction and discussion, for general public screenings. *Previewing is recommended.*
12:25 min, NFB, #106c 0181 154.

CHILD NEGLECT

38. Identifying Neglect: "Before It Is Too Late"
Shows some typical forms of neglect and its behavioural and physical indicators. Raises issues of difficulty for professionals when differences of child-rearing practices are involved. Portrays children suffering from lack of supervision, nutritional neglect, medical and dental neglect and moral neglect.
15:00 min, HSL, #FT-207, filmstrip-tape.

39. The Neglected
Portrays children who have come under the protection of community authorities as a result of abuse or neglect. Demonstrates techniques of working with parents of these children. 1964
30:00 min, PFL, #PHT 434.

40. Rock a Bye Baby
Without ongoing, active sensory stimulation, human infants will not thrive. It is ideal for a prevention program of child abuse.
28:52 min, jr/sr/a, NFB, #106c 1277 085.

YOUNG OFFENDERS AND THE LAW

41. The Family and the Law: You Never Hear Me. Part 1
First of two films dealing with juvenile crime. Three juveniles steal a car and the program follows what happens to each one of them, legally and emotionally. 1979
28:38 min, sr/a, AC, #VC208109, video.

42. The Family and the Law: You Never Hear Me. Part 2
Also deals with juvenile crime. Three juveniles steal a car and the program follows what happens to each of them, legally and emotionally. 1979
28:38 min, sr/a, AC, #VC208100, video.

43. Law For Youth: The Young Offenders Act
A public service announcement for the Young Offenders Act featuring the band Dash Riprock. Made by the Public Legal Education Association of Saskatchewan. 1984.
? min, LRC, #6548, video.

44. Young Offenders
Outlines the impact the Young Offenders Act will have on young people in terms of police powers, the right to counsel, Youth Court hearings and their decisions, etc. Contains dramatizations using young people. Made by The People's Law School Public Legal Education Society, Vancouver. 1984.
30:00 min, LRC, #6549, video.

45. Young Offenders Act: A Case Study
By the Department of the Solicitor General, Kingston, Ontario. 1983
60:00 min, LRC, #5040, video.

46. Young Offenders Act: Highlights
This presentation reviews the background of the YOA, its major provisions regarding police contact, youth court proceedings, dispositions, appeals, reviews, and records and identification. It also looks at the implications of the act. By the Ministry of the Solicitor General, Ottawa. 1983
? min, LRC, #5355, 1 book of duplicating masters, 1 carousel, 53 slides.

47. Young Offenders in Action
By the Justice Institute of British Columbia. 1984
30:00 min, LRC, #6547, video.

48. Juvenile Justice System
Asks questions and provides answers regarding the similarities and differences between the Young Offenders Act and the Juvenile Delinquents Act. Made by the Public Legal Education Association of Saskatchewan. 1983
30:00 min, LRC, #5809, video.

WHERE TO ORDER AUDIOVISUAL RESOURCES

ACCESS NETWORK
16930-114 Avenue, Edmonton, T5M 3S2, Ph. 451-7209
295 Midpark Way S.E., Calgary, T2X 2A8, Ph. 256-1100
* All schools should book films through 1-800-352-8293

FACULTY OF EXTENSION, UNIVERSITY OF ALBERTA
Educational Media Division, Room 132, Corbett Hall, 82 Avenue and 112 Street, The University of Alberta, Edmonton, T6G 2G4, Ph. 432-5040
* To book films and equipment, phone 432-5039

NATIONAL FILM BOARD OF CANADA
Centennial Building, 10031-103 Avenue, Edmonton, T5J 0G9, Ph. 420-3012 (office) or 420-3010 (film library)
222-1st Street S.E., Calgary, T2P 3C3, Ph. 292-5338 (office) or 292-5414 (film library)

MEDIA LIBRARY: JOHN W. SCOTT HEALTH SCIENCES LIBRARY
Media Library, John W. Scott Health Sciences Library, University of Alberta, Edmonton, T6G 2B7, Ph. 432-3096

CENTRAL ALBERTA MEDIA SERVICES
2017 Brentwood Blvd., Sherwood Park, T8A OX2, Ph. 464-5540 Toll-free 1-800-222-6510
* There's a $10 rental fee for schools not located in their district.

PROVINCIAL FILM LIBRARY
Provincial Film Library, Audio Visual Services Branch, Public Affairs Bureau, 11510 Kingsway Avenue, Edmonton, T5G 2Y5, Ph. 427-4381

THE LEGAL RESOURCES CENTRE
The Legal Resources Centre, Faculty of Extension, University of Alberta, 10049-81 Avenue, Edmonton, T6E 1W7, Ph. 432-5732

PUBLICATIONS

Alberta Social Services has a number of pamphlets and brochures on the new Child Welfare Act and the related issues of abuse and neglect. Your district or regional office will be able to supply you with these upon request. One brochure is called "Child Welfare in Progress" and consists of a number of pull-out sheets on the various aspects of the new Act. Another is called "Child Protection in Alberta: What is Child Abuse?". There is also the Office for the Prevention of Family Violence which provides information and consultation to professionals and the community. They have both print and some audio visual material on violence in families. They are also available for presentation at workshops, conferences and meetings. For more information contact: Office for the Prevention of Family Violence, 9th Floor, Seventh Street Plaza, Edmonton, T5J 3E4, phone 427-7599.

The Legal Resource Centre whose address is listed under the audio visual resources also has many government pamphlets as well as some publications of its own and from other publishers. Two publications put out by the Legal Resources Centre are "Resource News", October 1984 issue with many articles on the law as it applies to educators and the April 1985 issue which is devoted to the Young Offenders Act. A short bibliography of all the library's possessions on the YOA is listed in the latter. In addition, two handouts called "Comparison of Juvenile Delinquents Act and Young Offenders Act" and "Comparison of Legal Processes under the present Child Welfare Act, the new Child Welfare Act, and Bill 105 with recommendations of The Child Welfare System Report of the Cavanagh Commission" are very informative and available upon request. Finally, a booklet called "In Trouble With the Law" is available. This

is a guide to the Young Offenders Act aimed at the youth market. It asks questions and answers them in a very readable and clear format. It is highly recommended.

The Solicitor General of Canada and the Solicitor General of Alberta have a number of brochures dealing with every aspect of the YOA. Contact either office listed in the phone book to receive copies.

COMMUNITY RESOURCES

Alberta Social Services

All information about the new Child Welfare Act is being distributed through the Child Welfare Implementation Project on the 9th Floor, Seventh Street Plaza, 10030-107 Street, Edmonton, T5J 3E4, phone 422-5187. However, requests for presentations to any school group are handled through the regional offices. There are trained personnel at each office who are pleased to come to your school and discuss the new Act.

Solicitor General

Requests for presentations on the Young Offenders Act should be made to the district offices of the Alberta Solicitor General. The federal Solicitor General has a consultation centre in Edmonton which carries pamphlets and brochures on the YOA that are available to the public. Call 422-5019.

R.C.M.P.

If trained and knowledgeable staff are available, the R.C.M.P. will also come to your school and present material on the new Young Offenders Act. Phone your local department of the R.C.M.P. for more information. The R.C.M.P. are also putting something together on the issue of family violence for presentation to community groups. At present this is not available and no definite date has been set as to when this will be available. Keep asking your local police for more information.

Calgary City Police

The Calgary City Police have staff members available who will do presentations on both the Young Offenders Act and on the Child Welfare Act and the related issues of child abuse and neglect. Both services are on a demand basis. You can phone the Youth Involvement Unit at 268-8695 to book a presentation on the YOA. The presentations run at least one hour and cover such things as the nature of the YOA, how it has changed, and information on the alternative measures. There is usually a question and answer period and the presenter usually brings some literature, although it is not to be handed out. To book a presentation about the new Child Welfare Act and the related issues, phone the Youth Involvement Unit at 268-8695.

Edmonton City Police

The Edmonton City Police also have members who will do presentations on both the YOA and the Child Welfare Act. There are seven counsellors in eight of the city high schools who are also available to any other schools to do lectures on the YOA. The presentation is usually around 50 minutes and is restricted to the most pertinent issues about the Act. The presenters bring three or four booklets by the government and law society which they can hand out. To book such a presentation call the Education Unit at 421-3322. To book a presentation on the Child Welfare Act and the issues of abuse and neglect call the Sex Crimes and Child Abuse Unit at 421-3337. The presentation is mainly for educators and other adults. It is about three hours in length and explicit audiovisual material is used.